

**ECF
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• Filed:

BRUNE, CLARK

Deputy Clerk

By: [Signature]
V-C-SOW 10/26/06

ORDER

The Court finds that § 508.050 is a special venue statute that would be controlling over other general venue statutes. Plaintiff contends that Mo. Rev. Stat. § 536.110.3 is controlling in this case. Specifically, plaintiff argues that Missouri courts have recognized that § 536.110.3 is an “even more specific venue statute . . . for petitions for review,” which mandates that cases against a municipality must be brought in Cole County, Missouri, at the option of the plaintiff. See *Conlon Group, Inc. v. City of St. Louis*, 944 S.W.2d 954, 956 (Mo. App. W.D. 1997).

While the Court agrees that § 536.110.0 is a specific venue statutes for cases involving municipalities, this provision only applies to petitions for *judicial review* of a municipality's

contested administrative action - i.e. a "contested case." *See id.* Section 508.050 provides the only proper venue for *suits* against municipal corporations such as school districts.

This is an action against the Moberly Public School District as well as the named District officials, which are located in Randolph County, Missouri, located within the jurisdiction of the Eastern District of Missouri. Thus, pursuant to § 508.050, the appropriate venue for this action is the Eastern District of Missouri.

Accordingly, it is hereby

ORDERED that Defendants' Motion to Transfer Venue (Doc. # 2) is granted. It is further

ORDERED that this entire case is transferred to the United States District Court for the Eastern District of Missouri for all further proceedings.

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: October 3, 2006

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BY MAIL

OCT 27 2006

DISTRICT COURT
WESTERN DISTRICT OF MO
ST LOUIS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
OFFICE OF THE CLERK

Patricia L. Brune
Clerk of Court

Reply To:

- () 400 E. 9th Street
Kansas City, MO 64106
- () 131 West High Street
Jefferson City, MO 65101
- () 222 John Q. Hammons Pkwy.
Springfield, MO 65806

October 26, 2006

James G. Woodward, Clerk
Thomas F. Eagleton U.S. Courthouse
111 S. Tenth Street, Suite 3.300
St. Louis, MO 63102

Re: Transfer of our Civil Case No. 06-4117-CV-C-SOW

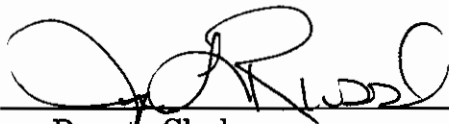
Dear Clerk:

On October 3, 2006, this Court signed an order transferring the above-entitled case to your court. Pursuant to our Administrative Directive No. 11, we delayed the transfer of this case for twenty-one (21) days. The case is now ready for transfer and you will find enclosed a certified copy of the transfer order.

Our court is a prototype court for electronic case filing. You may access our electronic case file at the following web address: <http://ecf.mowd.uscourts.gov>. We have assigned a login and password for district courts to use in accessing this information. The login is "guestcrt" and the password is "guestcrt". This login and password should not be shared with anyone other than federal court personnel who would have a need to access our electronic case file system. You will need Adobe Acrobat reader loaded on your computer in order to view the documents.

If you need assistance, you may call the Kansas City office at 816/512-5000, the Jefferson City office at 573/636-4015 or the Springfield office at 417/865-3869.

Sincerely,

By: 
Deputy Clerk

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